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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,969	12/23/2003	Luc Bouwens	920522-95346	9403
23644 7590 10/12/2007 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER HOLTON, STEVEN E	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 10/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/743,969	Applicant(s) BOUWENS ET AL.	
	Examiner. Steven E. Holton	Art Unit 2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

AMR A. AWAD  
SUPERVISORY PATENT EXAMINER

*Amr A. Awad*

Continuation of 3. NOTE: The amendment to claim 1 by including the limitations of the old claim 6 changes the scope of claims 3-5 and 7-21. Previously these claims did not include the requirement of the target luminance and would require further consideration based on the change of the dependent claim. It is because of this change in scope that the amendments to the claims is not entered.

The Examiner respectfully disagrees about the lack of teaching regarding the combination of Booth Jr. , Oguchi, and Kojima references.

Regarding the combination of Booth Jr. and Oguchi, the Examiner feels that the previous statement of motivation or suggestion was poorly written. The teachings of Oguchi clearly show a method of calculating a virtual color primary using a center of gravity calculation method (Fig. 5; col. 10, lines 20 - 67). This method of calculation is applied to a color gamut measured from a modular display. While this measurement is not done on a pixel level, the method of calculation for a set of display level color gamuts could also be applied to a set of pixel level color gamuts. At the time of invention it would have been obvious to one skilled in the art that the center of gravity calculation for determining a virtual primary of a set of color gamuts as described by Oguchi could also be applied to a set of measured pixel color gamuts being determined by Booth Jr. Booth Jr. is interested in matching the color display values of one pixel to another pixel, whereas Oguchi is matching the color display values for multiple display units. It would be logically obvious that the matching technique of Oguchi would also be applicable to matching the colors of pixels of Booth Jr. One skilled in the art would find the use of a minimized color gamut calculation as used by Booth Jr. or a center of gravity calculation as used by Oguchi would be a matter of design choice of selecting one of differing styles of mathematical calculations to match the displayed color values from different elements with different measured color gamuts. Both types of calculations are used with the intent of producing a virtual color gamut to be used by multiple display elements (devices or pixels) to match the displayed color across all display elements.

Regarding the arguments about a lack of teaching of a target luminance value as described by Kojima. The Examiner notes that Kojima clearly states "the luminous intensity... are matched (col. 4, lines 8-11). Kojima further mentions in the prior art that matching luminance levels of pixels has already been known (col. 1, lines 43-56). Kojima discusses that first color correction is performed and then luminance correction is performed to match all of the luminance of each pixel element (col. 4, lines 16-26). This indicates that a target luminance is determined and then every pixel is matched to that target luminance so that every pixel is outputting the same luminance levels. This argument could require further consideration, whether the target luminances are chosen based on ability of pixels to reach said luminance or merely arbitrarily determined. However, because all of the luminance levels of Kojima are matched, it indicates that the matching level would be selected in such a manner to allow all of the pixels to reach that luminance. Otherwise, it would be impossible to match the luminance levels of all pixels to a level that some pixels are unable to obtain.

The Examiner also notes that teachings in Kojima point out that the color matching techniques could be applied to both fixed resolution (LCD,LED) displays and non-fixed resolution (CRT) displays (col. 7, lines 33-36). And Kojima also discusses that the matching calculation techniques could be applied to mosaic display systems by correcting both difference between individual pixels and also between units (col. 7, lines 37-50). This shows that the calculation methods for pixel color gamuts could also be applied to display level color gamuts.